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REMARKS

I. Summary of Office Action

Claims 1-20 are pending in the application. Claims 1-3, 5-7, 9-13, 15-17, 19 and 20 are withdrawn from the application, as being drawn to non-elected inventions. Claims 4 and 14 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Stronach U.S. Patent Application Publication 2002/0142816 A1 (hereinafter "Stronach"). Claims 8 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stronach.

II. Summary of Applicants' Reply to Office Action

Claims 4 and 14 have been amended to more particularly define the invention.

The Examiner's rejections of the claims are respectfully traversed.

III. The Rejections Of Claims 4 and 14  
Under 35 U.S.C. § 102(e)

The Examiner rejected claims 4 and 14 under 35 U.S.C. § 102(e) as being unpatentable over Stronach. The Examiner's rejection is respectfully traversed.

The Examiner's rejection is under 35 U.S.C. § 102(e).

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Amendment Dated February 23, 2004  
Reply to Office Action of November 26, 2003

Applicants respectfully submit, however, that Stronach is not a proper reference under 35 U.S.C. § 102(e). Stronach claims the benefit of an international application filed on May 1, 2000.

U.S. publications of applications that claim the benefit of international applications filed before November 29, 2000 do not have a 35 U.S.C. § 102(e) date. Instead, these publications are available under 35 U.S.C. § 102(a) or (b) as of their publication dates. Accordingly, because Stronach is a publication that claims the benefit of an international application filed before November 29, 2000, Stronach is not a proper reference under 35 U.S.C. § 102(e). (See MPEP § 706.02(a)).

For at least the reason that Stronach is not a proper reference under 35 U.S.C. § 102(e), applicants respectfully request that the rejection of claims 4 and 8 under 35 U.S.C. § 102(e) be withdrawn.

Moreover, even if there is a valid basis for using Stronach as a reference in a rejection of applicants' claims, applicants submit that claims 4 and 14 are patentable over Stronach.

Independent claims 4 and 14 are directed towards providing a user interface for interactive wagering. A

selection of a default wager from a user is received. Default selections for a new wager based on the selection of the default wager are displayed. The user is provided with an opportunity to change selections for the new wager from at least one of the default selections to another selection. In addition, the user is provided with an opportunity to place the new wager.

The Examiner contends that Stronach shows a default wager scheme that anticipates applicants' invention. Applicants respectfully disagree. Stronach refers to a default wager scheme where a default wager amount and/or default race contestants are automatically selected when a user submits a wager without designating one or both of these wager requirements. This default wager scheme of Stronach, however, fails to show or suggest the combination of (a) displaying default selections for a new wager based on the selection of a default wager from a user, (b) providing the user with an opportunity to change selections for the new wager from at least one of the default selections to another selection, and (c) providing the user with an opportunity to place the new wager as specified in claims 4 and 14.

Accordingly, at least because Stronach is not a proper reference under 35 U.S.C. § 102(e) and because Stronach fails to

show or suggest applicants' invention, applicants respectfully request that the rejection of claims 4 and 8 under 35 U.S.C. § 102(e) be withdrawn.

IV.           The Rejection Of Claims 8 and 18  
              Under 35 U.S.C. § 103(a)

The Examiner rejected claims 8 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Stronach. Claims 8 and 18 are dependent from claims 4 and 14, respectively, and are allowable at least because claims 4 and 14 are allowable.

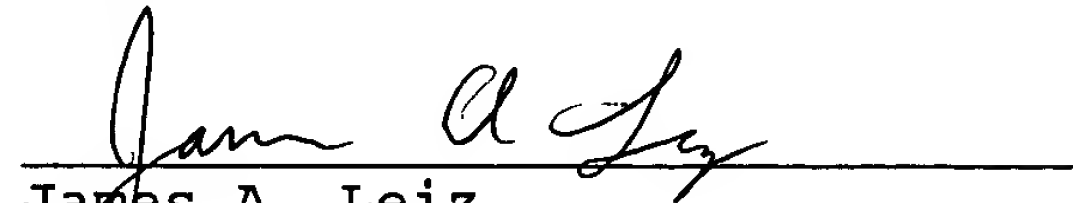
V.            Conclusion

In view of the foregoing, claims 4, 8, 14 and 18 are in condition for allowance. The Examiner has withdrawn claims 5-7, 9, 10, 15-17, 19 and 20 from consideration as directed to a non-elected invention because of the constructive election of species. Applicants respectively request that the above claims be considered because the generic claims (i.e., claims 4 and 14) are in condition for allowance. This application is therefore in condition for allowance.

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Reconsideration and allowance of the application are  
respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James A. Leiz", is written over a horizontal line.

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